

July 30, 1999

OFFICE OF THE HEARING EXAMINER
KING COUNTY, WASHINGTON
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Seattle, Washington 98164
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REPORT AND RECOMMENDATION TO THE KING COUNTY COUNCIL.

SUBJECT: Department of Transportation File No. **V-2112**
Proposed Ordinance No. **1999-0356**

LAKE WASHINGTON SCHOOL DISTRICT #414
PETITION FOR ROAD VACATION

Road: A portion of 233rd Avenue Northeast lying southerly of Northeast 8th Street in the
Sammamish Plateau area.

Petitioner(s): Lake Washington School District #414
Attn: Bob Collard
15212 Northeast 95th Street
Redmond, WA 98052-2536

SUMMARY OF RECOMMENDATIONS:

Department's Preliminary:	Approve the vacation, waive fee
Department's Final:	Approve the vacation, waive fee
Examiner:	Approve the vacation, waive fee

DEPARTMENT'S REPORT:

The Department of Transportation's written report to the King County Hearing Examiner for Item No.V-2112 was received by the Examiner on July 14, 1999.

PUBLIC HEARING:

After reviewing the Department of Transportation's Report and examining available information on file with the petition, the Examiner conducted a public hearing on the subject as follows:

The hearing on Item No. V-2122 was opened by the Examiner at 9:30 a.m., Wednesday, July 28, 1999, in the Fifth Floor Conference Room., Union Bank of California, 900 Fourth Avenue, Seattle, WA 98164, and closed at 9:50 a.m. Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes. A verbatim recording of the hearing is available in the office of the King County Hearing Examiner.

FINDINGS, CONCLUSIONS & RECOMMENDATION: Having reviewed the record in this matter, the Examiner now makes and enters the following:

FINDINGS:

1. General Information:

Road name and location:	A portion of 233rd Avenue Northeast lying southerly of Northeast 8th Street in the Sammamish Plateau area.
Right of way classification:	"C" Class
Area:	Approximately 6,731 square feet
Compensation:	Waive fee

2. Except as provided below, the Examiner adopts and incorporates herein by this reference the facts set forth in the Department of Transportation's report to the King County Hearing Examiner for the July 28, 1999, public hearing and the statement of facts contained in Proposed Ordinance No. 1999-0356, June 4, 1999, draft. The said reports will be attached to the copies of this report and recommendation submitted to the King County Council.
3. Maps showing the vicinity of the proposed vacation and the specific area to be vacated are Attachments 1 and 2 to this Report and Recommendation.
4. Vacation of the subject right-of-way would have no adverse effect on the provision of fire and emergency services to the subject property or surrounding area.
5. Although subject to a recommendation of waiver, the square footage and the vacation fee stated on page 2 of the staff report are erroneous and need to be corrected. As shown on Exhibit No. 5, the area to be vacated does not include any portion of the cul de sac bulb lying between Lots 3 and 4 of the short plat. But the square footage and fee figures provided in the staff report include the portion of the roadway that traverses the cul de sac. The correct area of vacation should be approximately 6,731 square feet and the vacation fee \$3,870.33.

CONCLUSIONS:

1. The road subject to this petition is useless as part of the King County road system, and the public will be benefited by its vacation.
2. The notice of hearing on the report of the Department of Transportation was given as required by law, and a hearing on the report was conducted by the King County Hearing Examiner on behalf

- of the King County Council.
3. The compensation required by law to be paid as a condition precedent to the vacation of this road will be waived by the County, and the easements, if any, necessary for the construction, repair and maintenance of public utilities and services have been provided in a form satisfactory to the affected public utilities.

RECOMMENDATION:

APPROVE proposed Ordinance No. 1999-0356 to vacate the subject road.

RECOMMENDED this 30th day of July, 1999.

Stafford L. Smith, Deputy
King County Hearing Examiner

TRANSMITTED this 30th day of July, 1999, to the following parties and interested persons:

Robert A. Collard
GTE Telecommunications
Mary Lamping
Sammamish Plateau Water & Sewer
Greg Borba
Tommy Burdette
Don Ding
Thomas Eksten
Dennis Gorley

Kristen Langley
Roderick E. Matsuno
Ronald J. Paananen
Dave Preugschat
Lydia Reynolds
Charlie Sundberg
Director Paul Toliver
Larry R. Underdahl
Joe Wilson

NOTICE OF RIGHT TO APPEAL
AND ADDITIONAL ACTION REQUIRED

In order to appeal the recommendation of the Examiner, written notice of appeal must be filed with the Clerk of the King County Council with a fee of \$125.00 (check payable to King County Office of Finance) **on or before August 13, 1999**. If a notice of appeal is filed, the original and 6 copies of a written appeal statement specifying the basis for the appeal and argument in support of the appeal must be filed with the Clerk of the King County Council **on or before August 20, 1999**. Appeal statements may refer only to facts contained in the hearing record; new facts may not be presented on appeal.

Filing requires actual delivery to the Office of the Clerk of the Council, Room 403, King County Courthouse, prior to the close of business (4:30 p.m.) on the date due. Prior mailing is not sufficient if actual receipt by the Clerk does not occur within the applicable time period. The Examiner does not have authority to extend the time period unless the Office of the Clerk is not open on the specified closing date, in which event delivery prior to the close of business on the next business day is sufficient to meet the filing requirement.

If a written notice of appeal and filing fee are not filed within 14 days calendar days of the date of this report, or if a written appeal statement and argument are not filed within 21 calendar days of the date of this report, the Clerk of the Council shall place a proposed ordinance which implements the Examiner's recommended action on the agenda of the next available Council meeting. At that meeting, the Council may adopt the Examiner's recommendation, may defer action, may refer the matter to a Council committee, or may remand to the Examiner for further hearing or further consideration.

Action of the Council Final. The action of the Council on a recommendation of the Examiner shall be final and conclusive unless within twenty (20) days from the date of the action an aggrieved party or person applies for a writ of certiorari from the Superior Court in and for the County of King, State of Washington, for the purpose of review of the action taken.

MINUTES OF THE JULY 28, 1999, PUBLIC HEARING ON DEPARTMENT OF
TRANSPORTATION FILE NO. V-2112, THE LAKE WASHINGTON SCHOOL DISTRICT #414
PETITION FOR ROAD VACATION.

Stafford L. Smith was the Hearing Examiner in this matter. Participating in the hearing were Tommy Burdette and Bob Collard.

The following exhibits were offered and entered into the hearing record:

- Exhibit No. 1 Report to the Hearing Examiner dated July 14, 1999, with 16 attachments
- Exhibit No. 2 Petition transmittal letter dated November 21, 1991 to the Department of Transportation, Road Services Division (formerly the Department of Public Works) from Clerk of Council.
- Exhibit No. 3 Petition for Vacation of a County Road including an attached (2 pages) legal description of the Petitioners properties.
- Exhibit No. 4 Copy of Filing Fee - Check #11026
- Exhibit No. 5 Map depicting vacation area.
- Exhibit No. 6 Vicinity Map
- Exhibit No. 7 Copy of King County Short Plate Number 276060, Recording Number 7607150497, records of King County, Washington.
- Exhibit No. 8 Copy of King County Short Plate Number 906022, Recording Number 8712240530, records of King County, Washington.
- Exhibit No. 9 Letter dated October 9, 1992 from Department of Transportation, Road Services Division (formerly the Department of Public Works) to the Clerk of the Council recommending that the vacation be granted.
- Exhibit No. 10 Letter dated October 20, 1992 from the Clerk of the Council to Property Services requesting a report and the vacation ordinance be sent to the King County Council.

- Exhibit No. 11 Letter dated October 26, 1995 from Road Services Division to the Lake Washington School District reporting the status of the petition to vacate 233rd Northeast.
- Exhibit No. 12 Letter dated November 2, 1995 responding to the October 26, 1995 stating that the issues concerning the reviewing agencies have been resolved.
- Exhibit No. 13 Copy of email transmittal dated April 14, 1998 from Dennis Gorley, Supervising Engineer, Road Services Division to Rebecca Cushman verifying that after review of the file there are no apparent problems with completing the road vacation.
- Exhibit No. 14 Letter dated May 18, 1998 to Lake Washington School District #414 from Roads Division with recommendation that the compensation be waived and requesting that a Warranty Deed executed to convey the required cul-de-sac.
- Exhibit No. 15 Letter dated September 3, 1998 from the petitioner to Road Services Division responding to the letter dated May 18, 1998 and transmitting the executed deed attached.
- Exhibit No. 16 Memorandum dated November 17, 1998 to David Preugschat, Manager, Property Services Division from Road Services Division requesting that the executed Warranty Deed be recorded.
- Exhibit No. 17 Memorandum dated December 4, 1998 to Road Services Division from Property Services Division stating that the legal description is incorrectly describing the cul-de-sac with map attached
- Exhibit No. 18 Letter dated January 12, 1999 from Road Services Division to the Lake Washington School District request that the District executes a new Warranty Deed with a copy of which is attached.
- Exhibit No. 19 Memorandum dated May 18, 1999 to Property Services Division from Road Services Division request that the attached new Warranty Deed be recorded.
- Exhibit No. 20 Letter dated June 28, 1999 from King County Executive to Councilmember Louise Miller.
- Exhibit No. 21 Proposed Ordinance 1999-0356
- Exhibit No. 22 Notice of hearing with a map attached.
- Exhibit No. 23 Affidavit of posting with a copy of the Notice of hearing attached.
- Exhibit No. 24 Affidavit of publication.
- Exhibit No. 25 Letter dated July 15, 1999, from Tommy Burdette, King County Roads Services Division, to Bob Collard, Lake Washington School District
- Exhibit No. 26 Memorandum dated June 2, 1999, from Dave Preugschat, King County Property Services, to Ronald Paananen, County Road Engineer
- Exhibit No. 27 Warranty Deed executed April 20, 1999, by Ronald Barnes for the Lake Washington School District No. 414, as Grantors

SLS:daz
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Attachments